

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HERB REED ENTERPRISES, LLC, a
Massachusetts Company,

Plaintiff,

v.

FLORIDA ENTERTAINMENT
MANAGEMENT, INC., a Nevada
Company, and LARRY MARSHAK an
individual,

Defendants.

Case No. 2:12-cv-00560-MMD-GWF

ORDER

(Plf's Motion for Further Orders
– dkt. no. 54).

Before the Court is Plaintiff's Motion for Further Orders. (Dkt. no. 54.) Plaintiff asserts that Defendants are not in compliance with this Court's July 24, 2012, preliminary injunction. The preliminary injunction required in pertinent part the following:

Defendants and their agents are preliminary enjoined from use of the mark "The Platters," and any equivalent or phonetically similar names or marks, in connection with any vocal group in any advertisements, promotional marketing, or other materials, with two narrow exceptions.

First, Defendants may use the mark "The Platters" in connection with the names "Larry Marshak's Tribute to The Platters" or "Larry Marshak's Salute to The Platters." The words "tribute" or "salute" must be at least one half the font size of the words "The Platters" in any of Defendants' advertising.

Second, Defendants may use the mark "The Platters" in any other manner with Plaintiff's permission.

1 Plaintiff contends that Defendants have not fully complied with the order because
2 its agents and/or customers either (1) do not call their group a tribute or salute group in
3 advertising and promotions; and/or (2) do not comply with the font size requirement.

4 To ensure compliance with this Court's preliminary injunction, the Court GRANTS
5 Plaintiff's Motion. Pursuant to 15 U.S.C. § 1116(a),¹ Defendants must file with the Court
6 the following:


- 7 1. A list of schedules of all upcoming performances in which Defendants'
8 group is slated to perform, including:
9 a. The date of the performance;
10 b. The name of the booking agent who booked the performance;
11 c. The venue where the performance will occur;
12 d. The date the notice of the Court's July 24, 2012, order was sent to the
13 booking agent and venue.
- 14 2. A list of all agents Defendants do business with, and the date the notice of the
15 Court's July 24, 2012, order was sent to those booking agents.

16 The report must be filed fifteen (15) days after the relevant protective order is
17 issued in this case. (See dkt. no. 76.) If the information in the report is subject to the
18 confidentiality requirements set forth in the protective order, then the report must be filed
19 under seal in compliance with the terms of said order.

20 Defendants shall file additional reports in compliance with the terms of this Order
21 in ninety day increments, dated from the date of the filing of the first report.

22 The Court refers monitoring of Defendant's compliance with the Court's July 24,
23 2012, order to the Magistrate Judge.

24 ENTERED THIS 29th day of October 2012.

25 
26 _____
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE

26 ¹The statute provides that an "injunction may include a provision directing the
27 defendant to file with the court and serve on the plaintiff within thirty days after the
28 service on the defendant of such injunction, or such extended period as the court may
direct, a report in writing under oath setting forth in detail the manner and form in which
the defendant has complied with the injunction."